

REMARKS

Applicant appreciates the Examiner's obviously thorough examination of this application.

Claims 1-12 are pending in this application, all of which stand rejected. Claims 8-12 are canceled. Claims 1 and 4-7 are amended to more particularly point out and distinctly claim Applicant's invention. Support for the claim amendment is provided in the specification, particularly, page 13, line 5, to page 14, line 21. No new matter is added.

Applicant respectfully traverses the Examiner's rejections. Further examination and review in view of the amendments and the remarks provided below are respectfully requested.

Drawings

The Examiner objected to the drawings because the originally submitted drawings were informal. In response, Applicant submits formal and corrected drawings as requested by the Examiner.

Applicant respectfully requests the Examiner to withdraw the objection to the drawings.

Specification

The Examiner objected to the specification on page 9, lines 2 and 30, because of informalities as noted in the Office Action. In response, Applicant has amended the appropriate paragraphs as noted above to correct the informalities. No new matter is added.

Applicant respectfully requests the Examiner to withdraw the objection to the specification.

Objections Under 35 U.S.C. § 112

The Examiner rejected Claims 6 and 7 under 35 U.S.C. § 112, second paragraph, as “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In particular, the Examiner points out that there is insufficient antecedent basis for the limitation “master token list” in Claim 6, and that because Claim 7 depends from Claim 6, it suffers the same deficiency as Claim 6.

Claim 6 has been amended to correct the improper antecedent basis for the limitation “master token list.” Claim 7 has been amended to correct an inadvertent punctuation mistake. No new matter is added. It is believed that amended Claims 6 and 7 now comply with 35 U.S.C. § 112. Applicant respectfully requests the Examiner to withdraw the rejection of Claims 6 and 7 under 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected Claims 5 and 6 under 35 U.S.C. § 102(e) as being anticipated by Amberg et al. (U.S. Patent No. 5,991,543). Applicant respectfully traverses the Examiner’s rejection. As amended, independent Claim 5 recites, in part:

- a simulation computer comprising an environment that mimics a target computer;

- a first process for creating a second process that downloads and installs customer ordered software onto the target computer;

- a third process for recursively simulating and interpreting the outcome of the execution of the second process.

Applicant respectfully submits that the above-quoted limitations of amended Claim 5 are neither disclosed nor suggested by Amberg et al. With regard to Amberg et al., the target system 160 is not “a simulation computer comprising an environment that mimics a target computer” as recited in Applicant’s Claim 5. In contrast, the target system 160 according to Amberg et al. is a “build-to-order target computer system 160 [which] is to be manufactured to contain a plurality of hardware and software components.” (col. 3, lines 32-34). Moreover,

unlike Applicant's "recursively simulating and interpreting the outcome of the execution of the second process," where the second process is a "process that downloads and installs customer ordered software onto the target computer," the testing according to Amberg et al. is of the components (i.e., hardware and software) installed on the target system because "such software installation and testing advantageously ensures a reliable, working computer system which is ready-to-run upon being received." (col. 3, lines 37-42). Furthermore, the recursive routine "Runstep.exe" as pointed out by the Examiner as anticipating the third process of Applicant's Claim 5 is actually executed on the target computer (col. 12, lines 53-61). As is generally known by one of ordinary skill in the computer arts, executing a program on a computer and simulating the execution of a program is different. Accordingly, Applicant respectfully submits that independent Claim 5 and, therefore, dependent Claims 6 and 7, are allowable. Reconsideration and allowance of Claims 5-7 are requested.

The Examiner rejected Claims 8-12 under 35 U.S.C. § 102(e) as being anticipated by Rickel et al. (U.S. Patent No. 5,854,924). As Claims 8-12 are canceled, the Examiner's rejection is rendered moot.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected Claims 1-4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Amberg et al. in view of Rickel et al. Applicant respectfully traverses the Examiner's rejections and contends that the obviousness rejection under 35 U.S.C. § 103 cannot be established by combining the teachings of Amberg et al. in view of Rickel et al. as the rejection is procedurally and substantially inadequate in that there is no suggestion or motivation in the cited references for combining Amberg et al. and Rickel et al.

As amended, independent Claim 1 recites, in part:

dynamically generating on a simulation computer a file that contains instructions that when executed downloads and installs customer ordered software to a target computer;

simulating the execution of said dynamically generated file in accordance with a set of evaluation rules such that the outcome of the execution of said file is determined;

analyzing the outcome of the simulation of the execution of said file to determine possible syntax errors and possible flow errors.

Applicant respectfully submits that the above-quoted limitations of amended Claim 1 are neither disclosed nor suggested by Amberg et al. As discussed above, according to Amberg et al., a target system 160 is not “a simulation computer” but, rather, a “build-to-order target computer system 160 [which] is to be manufactured to contain a plurality of hardware and software components.” (col. 3, lines 32-34). Moreover, as admitted by the Examiner in the Office Action, according to Amberg et al., “following the execution of the software installation and/or testing steps, results (the outcome) of the installation and tests are logged.” This is in contrast to Applicant’s “simulating the execution of said dynamically generated file in accordance with a set of evaluation rules such that the outcome of the execution of said file is determined.” In particular, according to Claim 1, the dynamically generated file is simulated to determine the outcome of the execution of the dynamically generated file. In contrast, according to Amberg et al., the software installation steps are actually executed on the target system to install the software programs onto the target system (col. 4, lines 65-67). Subsequent to the installation of the software, the results of the installation are logged. As is well known to one of ordinary skill in the computer arts, analyzing an outcome of a simulation as in Applicant’s Claim 1 is different from actually executing an installation program as taught by Amberg et al.

Accordingly, reconsideration and allowance of Claim 1 is requested. Furthermore, Claims 2-4 depend from and further limit Claim 1 and are therefore allowable on the same basis as Claim 1.

Claim 7, which depends from and further limits Claim 6, which in turn depends from and further limits Claim 5, is allowable on the same basis as Claim 5 for the reasons discussed above.

CONCLUSION

Applicant respectfully submits that Claims 1-7, as amended, are allowable. Should the Examiner wish to discuss this case, the Examiner is invited to contact the undersigned at (256)535-1100.

It is believed that no fee is due with this Amendment. However, if it is determined that a fee is due, the Commissioner is hereby authorized to charge any fee required to Deposit Account Number 50-0686, in the name of Lanier Ford Shaver & Payne P.C.

Respectfully submitted,

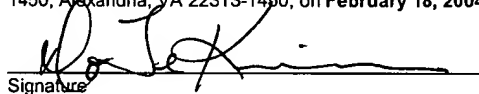


Do Te Kim, Reg. No. 46,231
Attorney for Applicant

LANIER FORD SHAVER & PAYNE P.C.
Customer Number 021491
P.O. Box 2087
Huntsville, Alabama 35804-2087
Phone: (256) 535-1100
Fax: (256) 533-9322

Certificate of Mailing under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope address to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 18, 2004.


Signature

Do Te Kim
Printed Name of Person Signing Certificate